

431
65. (New)
up! don't
con't

The slidable shelf as defined in claim 62 wherein at least a portion of said glass piece front and rear edges disposed between respective front corner portions and rear corner portions are substantially completely exposed.

Remarks

Upon further review of the outstanding Office Action, independent claim 62 has been filed herewith and favorable consideration thereof, as well as the claims depending therefrom, is herewith respectfully requested.

The undersigned has filed herewith a copy and translation of French Patent 91 04111 (Publication No. 2 660 740 - Maier et al.) which the Examiner utilized as the basic reference in the obvious rejection of November 8, 2002 beginning at the top of page 3. The undersigned incorporates hereat by reference the arguments presented by the last amendment which are not only applicable to new claim 62, but the translation forwarded herewith further evidences the unobviousness of the invention and the unsuggestive nature of the combination of the prior art disclosures of Maier et al. and Herrmann et al.

Turning specifically to the translation of the Maier et al. patent, the second paragraph thereof expresses the undesirability of a plastic shelf because the same can be easily deformed and can break under a heavy load. Because of the latter, it was found necessary "to reinforce them with a supporting **frame**." Therefore, the initial portion of the Maier et al. patent specifies a prior art problem in shelving (deformation and breakage), and the solution of the latter problem in conjunction with a glass plate is through

"the use of a glass plate **surrounded** by a **closed** plastic frame." (Maier et al., page 1, paragraph 5).

The penultimate paragraph on the first page of this patent expressly mentions a "glass plate **surrounded** by a closed plastic frame" and next states that such a "closed plastic frame is safe and sturdy." The last paragraph on the first page emphasizes an "especially beneficial" function, namely, "the plastic frame creates a **peripheral lip** on the top surface of the glass" which at page 2, first paragraph, protects against spill because the "accidental spill of **liquid will stay on the shelf and not run over the edge.**" (Emphasis added by the undersigned.) All of the latter structure and desirable/beneficial functions are further defined specifically beginning at the mid portion of page 2 of the Maier et al. patent and continue into the claims, noting claim 1 is characterized by a glass plate 15 "surrounded by a **closed** plastic frame 16." (Emphasis, the undersigned.)

With due respect, in suggesting that Herrmann et al. would motivate a person skilled in the art to "provide trim while leaving the edge portion untrimmed" is a complete destruction of the Maier et al. patent virtually rendering the shelf thereof inoperative for its intended purposes (strength and spillage confinement). A person skilled in the art would not, under the guise of obviousness, destroy the structure and function Maier et al. considered beneficial through a secondary patent involving "trim" and having nothing to do with either the entirety of the Maier et al. patent or the entirety of the claims at issue, including new claim 62. The translation of the Maier et al. patent evidences the invalidity of the rejection of record because the prior art patents to Maier et al. and Herrmann et al. *as a whole* in no way render obvious the subject matter of the independent claims now of record.

One skilled in the art does not destroy the structure of a primary reference under the guise of obviousness by way of a teaching which has absolutely nothing to do with the invention claimed, namely, the presence or absence of "trim." In view of the foregoing additional reasons, the allowance of all of the claims of record is herewith respectfully requested.

Respectfully submitted,

DILLER, RAMIK & WIGHT

By: 

Vincent L. Ramik, Reg. No. 20,663

7345 McWhorter Place
Suite 101
Annandale, VA 22003

(703) 642-5705 - phone
(703) 642-2117 - fax

e-mail: DRWPATENTLAW@AOL.COM

Enclosure: French 91 04111 (Publication No. 2 660 740)